

Attorney's
Docket
Number BGP-021USCP2
(D002CIP3US)

Declaration, Petition and Power of Attorney
for Continuation-in-Part Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TREATMENT FOR ASTHMA

the specification of which X is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

This application in part discloses and claims subject matter disclosed in my earlier filed pending application,

Serial No. USSN 08/374,331, filed January 18, 1995

CIP of Serial No. USSN 08/256,631, filed July 12, 1994

CIP of Serial No. PCT/US93/00030, filed January 12, 1993, and

Serial No. USSN 07/821,768, filed January 13, 1992

and I hereby claim the benefit of said United States prior application under Title 35, United States Code, §120.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information know to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

AS TO PARENT APPLICATION:

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that the common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and

As to applications for patents or inventor's certificate or PCT international application(s) designating at least one country other than the United States of America, on the common subject matter, filed in or designating any country foreign to the United States of America, prior to said earlier application by me or my legal representatives or assigns,

Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID EARLIER U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes No <input checked="" type="checkbox"/>
			<input type="checkbox"/> Yes No <input type="checkbox"/>
			<input type="checkbox"/> Yes No <input type="checkbox"/>
			<input type="checkbox"/> Yes No <input type="checkbox"/>
			<input type="checkbox"/> Yes No <input type="checkbox"/>

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO SAID EARLIER U.S. APPLICATION

AS TO THIS APPLICATION:

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application; that said non-common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and

As to applications for patents or inventor's certificate or PCT international application(s) designating at least one country other than the United States of America, on said non-common subject matter, filed in or designating any country foreign to the United States of America, prior to this application by me or my legal representatives or assigns,

Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Paul Louis Myers	Reg. No. 35,965	Edward J. Kelly	Reg. No. P38,936
John A. Lahive, Jr.	Reg. No. 19,788	John V. Bianco	Reg. No. 36,748
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all of Lahive & Cockfield, and;

Leslie M. Levine, Reg. No. 35,245
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Send Correspondence to:

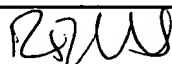
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Direct Telephone Calls to: (name and telephone number)

Louis Myers, Esq., (617) 227-7400

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Roy R. Lobb	
Inventor's signature 	Date 5/26/02
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Atty Dkt: BGP-021USC22
(D002CIP3US)

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